

Cherokee Scout

89 Sycamore St.
P.O. Box 190
Murphy, NC 28906



Call: (828) 837-5122
Fax: (828) 837-5832
Internet: www.thecherokeescout.com

Feb. 19, 2013

577 Regal St.
Murphy, NC 28906

To Sheriff Keith Lovin:

Under the N.C. Public Records Law, G.S. 132-1, I am requesting a list of all Cherokee County residents who have applied for and/or have received a concealed carry permit.

If there are any fees for searching or copying these records, please inform me. However, as a member of the news media, I also would like to request a waiver of all fees in that the disclosure of the requested information is in the public interest. This information is not being sought for commercial purposes.

The law requires that you respond to and fulfill this request "as promptly as possible." If you expect a significant delay in responding to and fulfilling this request, please contact me with information about when I might expect copies or the ability to inspect the requested records by Friday, Feb. 22.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Horne". The signature is stylized with a large, sweeping initial "R" and a long, horizontal stroke extending to the right.

Robert Horne
Editor
Cherokee Scout



Office of the Sheriff Cherokee County

Office
(828) 837-2589
Fax (828) 837-6590

577 Regal Street
Murphy, North Carolina 28906

Detention Center
(828) 837-2521
Fax (828) 837-5844

Keith Lovin
Sheriff

Joe Wood
Chief Deputy

Keith Watkins
*Jail
Administrator*

February 19, 2013

Robert Horne, Editor
Cherokee Scout
Murphy, NC 28906

Dear Mr. Horne:

I am in receipt of your February 19, 2013 request. In reviewing N.C.G.S. 14-403 et-seq, there is nothing within the statute that makes the information contained therein, a public record. The mere fact that it is information gathered by this office, in and of itself is not enough. If you feel that there is statutory authority that entitles you to the information requested, I am more than happy to review and consider it.

Thank you,

Keith Lovin

Cherokee Scout



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Feb. 20, 2013

577 Regal St.
Murphy, NC 28906

To Sheriff Keith Lovin:

Under the N.C. Public Records Law, G.S. 132-1, I am once again requesting a list of all Cherokee County residents who have applied for and/or have received a concealed carry permit.

I have spoken with N.C. Press Association legal attorney Amanda Martin, and she has assured me that these records are public. The statute you cited – G.S. 14-403 – only gives the sheriff's office the authority to issue permits. I remind you that it is *your* responsibility to cite specific state exemptions as to why these are not public records. GS 14-403 does not indicate those records are confidential.

If, as you claim, these records are confidential, why was it necessary to get the Cherokee County Commission to pass a resolution asking the N.C. Legislature to remove concealed carry permits from the public record? The Legislature was discussing removing these from public records before the county took up the issue. Until the Legislature makes its decision and the governor signs off on it, these records are still open.

If there are any fees for searching or copying these records, please inform me. However, as a member of the news media, I also would like to request a waiver of all fees in that the disclosure of the requested information is in the public interest. This information is not being sought for commercial purposes.

We respectfully urge you to follow the state's open records law and release this information, as neither of us wish to cost the taxpayers of Cherokee County money in a lawsuit.

Thank you for reconsidering my request.

Sincerely,

Robert Horne
Editor
Cherokee Scout

Cherokee Scout

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Feb. 21, 2013

The readers have spoken, and the *Cherokee Scout* has heard you – loud and clear. That's a good thing, regardless of the circumstances. We are here to serve, and if we head down a road you don't agree with, we appreciate it when you let us know.

That's what America is all about – an open discussion of issues, with various ideas given and taken away, before a final decision is reached. We do this for every edition with what articles to place on the front page and what "Our View" will be that week.

We should have expected Sheriff Keith Lovin's posting of his correspondence with Editor Robert Horne, because he knows he can't win in a court of law but wants to win in the court of public opinion. He also knows he's breaking the law because if the list wasn't open, he wouldn't have been pushing the state Legislature to close it. He also knows that since there are no criminal penalties in North Carolina's open records law, he has nothing to lose by openly defying it.

However, despite the fact that the Scout likely would win a lawsuit, we have no intention of taking it to court. That would only give Lovin more opportunity to grandstand about his alleged protection of personal gun rights while taking aim at a U.S. Marine and veteran of Operation Desert Storm who instructed members of the military on the firing range during his service – a Marine who actually has been threatened today by near-hysterical residents as a result of the sheriff's actions.

The truth is, as Horne wrote in his column on Feb. 20, we never had any desire nor intention to publish any names of any person carrying a concealed weapon. We did, however, want to see why Lovin objected to it being published. He is the person who grants such permits, and we've been told you have to have the right name or know the right person in order to get one, so we wanted to take a look and see if that's true.

We also thought it would be revealing to share, for example, how many residents in a specific area had gun permits. If we reported that, say, a large percentage of Tar Heel residents were packing, do you think criminals would be anxious to break into homes in that neighborhood? We think not.

We must be vigilant in maintaining the public's right to know. We cannot give away our rights to access public records. If we do, soon there will be no way to hold government officials accountable for their actions, which will lead to that dystopian future so many gun advocates dread.

That said, this matter is not a priority with the *Scout*. We didn't want to publish the names anyway, as Publisher David Brown was adamantly opposed to the New York newspaper that did, and we have no interest in costing taxpayers money through a court battle. Our readers have spoken, and we always listen to you. We are retracting our request, and the matter is closed.

Sincerely,

David Brown
Publisher
Cherokee Scout

Robert Horne
Editor
Cherokee Scout

Cherokee Scout



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Feb. 22, 2013

577 Regal St.
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To Sheriff Keith Lovin:

On Feb. 19, we made a request under the N.C. Public Records Law, G.S. 132-1 for a list of all Cherokee County residents who have applied for and/or have received a concealed carry permit by Friday, Feb. 22. Please consider this request officially dropped.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Horne". The signature is stylized and cursive.

Robert Horne
Editor
Cherokee Scout

Cherokee Scout

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Fax: (828) 837-5832
Cell: (828) 361-4809
E-mail: dbrown@cherokeescout.com

From the desk of Publisher David Brown

Feb. 22, 2013

NOTE TO READERS

The *Cherokee Scout* made a tremendous error in judgment this week, and thanks to our readers we learned a tough lesson.

As publisher of your local newspaper, I want to apologize to everyone we unintentionally upset with our public records request for a list of those who have or have applied for a concealed carry permit. We had no idea the reaction it would cause.

Sheriff Keith Lovin had the best interests of the people of Cherokee County at heart when he denied our request. The *Scout* would like to offer an apology to him as well.

To that end, Editor Robert Horne spoke with Lovin on Friday morning to tell him we were withdrawing our public records request. He asked for a written copy of that request, and Horne dropped it off at his office that morning.

While Horne was on the phone with the sheriff, he also thanked him and his staff for their quick response when some people who saw the Facebook post started making personal threats against him. Horne also requested a sit-down meeting in the near future to iron out the issues between the *Scout* and sheriff's office, which Lovin graciously accepted.

I realize many people are upset with Horne, myself and the *Scout*, and we can understand that. We never meant to offend the wonderful people of this fine community nor hurt the reputation of this newspaper. We do a lot of positive work that helps make Cherokee County an even better place to live, and I hope more good work will repair our reputation with readers.

Many of you have asked where Horne is from. He is from a small town in south Georgia – Cairo, Ga., to be exact. It is a rural area much like Murphy, and his roots are helping him better understand this community.

As for myself, I attended Murphy High School, I was married and baptized here, and three of my children are proud Bulldogs. This county has been important to me for a long time.

I know where this community is coming from, and I hope we can regain your trust. I know it may take a while, but we're going to try. Thanks for reading.

Sincerely,

A handwritten signature in dark ink, appearing to read "David Brown". The signature is fluid and cursive, with a large, stylized "D" and "B".

Publisher David Brown